

05-10-01

17

05/09/01

Anticipated Classification  
of this Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:  
Examiner \_\_\_\_\_  
Group Art Unit \_\_\_\_\_

Attorney's  
Docket 51320-AB/JPW/  
No. \_\_\_\_\_ SHS

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

jc997 U.S. PTO  
09/852238  
05/09/01

S I R:

May 9, 2001

This is a request for filing a   X   CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

       37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/724,105 filed on November 28, 2000 of

Graham P. Allaway et al. for  
Inventor(s)

USES OF A CHEMOKINE RECEPTOR FOR INHIBITING HIV-1 INFECTION

Title of Invention

1.   X   Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2.        A verified statement to establish small entity status under 37 C.F.R. §1.9 and 1.27  
       is enclosed.  
  X   was filed in the prior application and such status is still proper and desired (37 C.F.R. §1.28(a)).
3.   X   The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

|   | NUMBER<br>FILED |   | NUMBER<br>EXTRA* |   | RATE            |                 | FEE             |                 |
|---|-----------------|---|------------------|---|-----------------|-----------------|-----------------|-----------------|
|   |                 |   |                  |   | SMALL<br>ENTITY | OTHER<br>ENTITY | SMALL<br>ENTITY | OTHER<br>ENTITY |
| Total Claims  | 12-20           | = | 0                | X | 9               | 18              | = \$ 0          | \$ 0            |
| Independent<br>Claims   | 1-3             | = | 0                | X | 40              | 80              | = \$ 0          | \$ 0            |
| Multiple Dependent<br>Claims Presented: <u>  X  </u> Yes <u>      </u> No |                 |   |                  |   | 135             | 270             | = \$ 135        | \$ 0            |
|   |                 |   |                  |   | BASIC FEE       |                 | \$ 355          | \$ 710          |
|   |                 |   |                  |   | TOTAL FEE       |                 | \$ 490          | \$ 0            |

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

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Serial No: Not Yet Known  
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4. ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- ☒ Any additional filing fees required under 37 C.F.R. §1.16.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.
- ☐ The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5. ☒ Three copies of this sheet are enclosed.
6. ☒ A check in the amount of \$ 490.00 is enclosed.
7. ☐ Cancel claims \_\_\_\_\_.
8. ☐ Amend the specification by inserting before the first line the sentence: --This is a ☐ continuation ☐ division of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
9. ☒ 12 Sheet(s) of ☐ informal ☒ formal drawing(s) is/are enclosed.
10. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11. ☐ Priority of application No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 37 U.S.C. §119.
- ☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
12. ☒ The prior application is assigned of record to Progenics Pharmaceuticals, Inc. and Aaron Diamond AIDS Research Centre (ADARC)
13. ☒ A preliminary amendment is enclosed.
14. ☒ The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Thomas F. Moran (Reg. No. 16,579); Norman H. Zivin (Reg. No. 25,385); Ivan S. Kavrukov (Reg. No. 25,161); Christopher C. Dunham (Reg. No. 22,031); Thomas G. Carulli (Reg. No. 30,616); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Richard S. Milner (Reg. No. 33,970); Albert Wai-Kit Chan (Reg. No. 36,479); Mary Anne P. Tanner (Reg. No. 40,197); and Mary Catherine DiNunzio (Reg. No. 37,306)

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- (a)   X   The power appears in the original papers in the prior application.
- (b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.   X   Also enclosed Express Mail Certificate of Mailing No.


EJ 947 034 465 and 1 loose set of drawings

16.   X   I hereby verify that the attached papers are a true copy of prior application Serial No. 09/724,105 as originally filed on November 28, 2000.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

May 9, 2001

Date

  
Signature John P. White Reg. No. 28,678  
Spencer Schneider Reg. No. 45,923

INVENTOR(S)

ASSIGNEE OF COMPLETE INTEREST

  X   ATTORNEY OR AGENT OF RECORD

FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Graham P. Allaway, et al.  
Serial No. : Not Yet Known (continuation of U.S. Serial  
No. 09/724,105, filed November 28, 2000)  
Filed : May 9, 2001  
For : USES OF A CHEMOKINE RECEPTOR FOR  
INHIBITING HIV-1 INFECTION

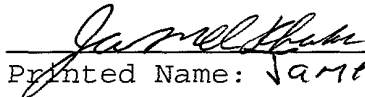
1185 Avenue of the Americas  
New York, New York 10036  
May 9, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box: Patent Application


SIR:

EXPRESS MAIL CERTIFICATE OF  
MAILING FOR ABOVE-IDENTIFIED APPLICATION

"Express Mail" mailing label number: EJ 947 034 465 US  
Date of Deposit: May 9, 2001 I  
hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 C.F.R. §1.10 on the date indicated  
above and is addressed to the Assistant Commissioner for Patents  
Box Patent Application, Washington, D.C. 20231.

  
Printed Name: Samuel O. H. 65

Respectfully submitted,

  
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